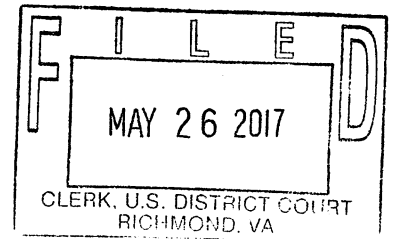


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



KELLY D. BARNES,

Plaintiff,

v.

Civil Action No. 3:16CV951

JOHN R. KUPLINSKY, et al.,

Defendants.

MEMORANDUM OPINION

Kelly D. Barnes, a Virginia inmate proceeding pro se and in forma pauperis, filed this 42 U.S.C. § 1983 action. In order to state a viable claim under 42 U.S.C. § 1983, a plaintiff must allege that a person acting under color of state law deprived him or her of a constitutional right or of a right conferred by a law of the United States. See Dowe v. Total Action Against Poverty in Roanoke Valley, 145 F.3d 653, 658 (4th Cir. 1998) (citing 42 U.S.C. § 1983). In his current Complaint, Barnes failed to provide each defendant with fair notice of facts and legal basis upon which his or her liability rests. Accordingly, by Memorandum Order entered on April 26, 2017, the Court directed Barnes to submit a particularized complaint within fourteen (14) days of the date of entry thereof. The Court warned Barnes that the failure to submit the particularized complaint would result in the dismissal of the action.

More than fourteen (14) days have elapsed since the entry of the April 26, 2017 Memorandum Order. Barnes failed to submit a particularized complaint or otherwise responded to the April 26, 2017 Memorandum Order. Accordingly, the action will be dismissed without prejudice.

The Clerk is directed to send a copy of this Memorandum Opinion to Barnes.

Date: *May 26, 2017*
Richmond, Virginia

/s/ *REP*
Robert E. Payne
Senior United States District Judge